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## C O N F I D E N T I A L

TO: Examiner Ardin Marschel, Group Art Unit 1641

FAX NO.: 703-872-9306

FROM: D. Benjamin Borson, Ph.D.

RE: Our file GENN-01009US1, Application No. 10/722,033

DATE: October 4, 2004 Total Pages : 2

Original will follow by mail: No

If you do not receive all of the pages, please call D. Benjamin Borson, Ph.D. at 415.362.3800.

### MESSAGE (if any):

As discussed with my secretary this morning, I have signed and am faxing page 5 of the Information Disclosure Statement that we filed on September 22, 2004 (by facsimile).

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**STATEMENT**

*(Attachment to Information Disclosure Statement)  
(Use only if required)*

☒ 37 C.F.R. §1.97(e)(1). THE UNDERSIGNED ATTORNEY HEREBY STATES THAT each item of information contained in this *Information Disclosure Statement* was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this *Information Disclosure Statement*; or

☐ 37 C.F.R. §1.97(e)(2). THE UNDERSIGNED ATTORNEY HEREBY STATES THAT no item of information contained in this *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this *Information Disclosure Statement* was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

FLIESLER MEYER LLP

Date: Oct 4, 2004

By: \_\_\_\_\_

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